

1 JBQ3CORP

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

19 CR 144 (AKH)

6 VICTOR MONES CORO,

7 Defendant.
-----x

8 New York, N.Y.
9 November 26, 2019
10 10:45 a.m.

11 Before:

12 HON. ROBERT W. LEHRBURGER,

13 Magistrate Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN
16 United States Attorney for the
17 Southern District of New York
18 SAM ADELSBERG
19 Assistant United States Attorney

20 SELENDY & GAY PLLC
21 Attorneys for Defendant
22 CHRISTINE H. CHUNG
23 JORDAN L. WEATHERWAX

24 ALSO PRESENT: Francisco Oliver, Spanish Interpreter

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1 THE DEPUTY CLERK: We are here in the matter for a
2 felony plea, United States of America v. Victor Mones Coro, 19
3 CR 144.

4 Attorneys, please state your name for the record,
5 starting with the government.

6 MR. ADELSBERG: Good morning, your Honor. Sam
7 Adelsberg on behalf of the United States. I'm joined at
8 counsel's table by Timothy McCann and Will Clark, who run
9 security investigations.

10 MS. CHUNG: Good morning. Christine Chung from
11 Selendy & Gay. I'm here today with Victor Mones Coro, and also
12 at counsel table, Mr. Jordan Weatherwax.

13 THE COURT: Mr. Coro, I see that you are using the
14 services of an interpreter. Can you hear and understand what
15 the interpreter is saying?

16 THE DEFENDANT: Yes. Yes, your Honor.

17 MS. CHUNG: If I might, his last name is Mones,
18 actually. It is Mones Coro.

19 THE COURT: Okay, Mr. Mones. So I understand we're
20 here today because you wish to enter a plea with respect to
21 Count One of the indictment that has been filed against you.
22 How do you intend to plead today?

23 THE DEFENDANT: To plead guilty.

24 THE COURT: All right. So, to do this, first I'm
25 going to have my deputy put you under oath, because I need to

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1 ask you a number of questions to assure myself that you are
2 giving your plea voluntarily and knowingly. And I just need to
3 warn you that, because you will be under oath, if you give
4 false information, you could be prosecuted for the additional
5 crime of perjury, which carries its own penalties. So just
6 make sure that you are answering the questions truthfully.

7 Do you understand?

8 THE DEFENDANT: I understand.

9 THE COURT: All right. Deputy, will you please swear
10 in the defendant.

11 MS. CHUNG: Your Honor, do you prefer that he stand?

12 THE COURT: No.

13 (Defendant sworn)

14 THE COURT: You may put down your hand.

15 All right. First, some paperwork. I have before me a
16 document titled "Consent to Proceed Before a United States
17 Magistrate Judge On a Felony Plea Allocution." It appears to
18 have your signature. This form says that you know you have the
19 right to have your plea taken by a United States district
20 judge, but you are agreeing to have your plea taken by a United
21 States magistrate judge such as myself. As a magistrate judge,
22 I have the authority to take your plea with your consent.
23 You'll be entitled to all the same rights and protections as if
24 you were before a district judge. It will be the district
25 judge who actually sentences you.

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1 Did you in fact sign the consent to proceed before a
2 United States magistrate judge?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Did you do so voluntarily?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Before you signed the form, did your
7 lawyer explain it to you?

8 THE DEFENDANT: Correct.

9 THE COURT: Do you in fact wish to proceed with your
10 plea before a United States magistrate judge?

11 THE DEFENDANT: Accept.

12 THE COURT: I've approved that. And now I want to ask
13 you some questions to make sure that you are competent and
14 fully able to give a knowing and voluntary plea.

15 So first, what is your full name?

16 THE DEFENDANT: Victor Mones Coro.

17 THE COURT: How old are you?

18 THE DEFENDANT: 51 years old.

19 THE COURT: Can you read and write in your native
20 language, which appears to be Spanish?

21 THE DEFENDANT: Correct.

22 THE COURT: How far did you go in school?

23 THE DEFENDANT: Two years of university, civil
24 engineering and as a commercial pilot.

25 THE COURT: Thank you. Are you currently or have you

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1 recently been under the care of a psychiatrist, psychologist or
2 other mental health care provider for any reason?

3 THE DEFENDANT: No.

4 THE COURT: Have you ever been hospitalized for a
5 mental illness, alcoholism or drug addiction?

6 THE DEFENDANT: No.

7 THE COURT: Do you have any condition that affects
8 your ability to see or to hear?

9 THE DEFENDANT: No.

10 THE COURT: Do you have any condition that affects
11 your ability to think or to understand or to make judgments or
12 decisions on your own behalf?

13 THE DEFENDANT: No.

14 THE COURT: As you sit here today, are you under the
15 influence of any mind-altering drug or alcohol?

16 THE DEFENDANT: No.

17 THE COURT: Do you feel all right today?

18 THE DEFENDANT: Yes.

19 THE COURT: Is your mind clear?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand what is happening in
22 this proceeding?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you seen a copy of the indictment
25 that contains the charges against you?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: Has someone translated it for you?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand what it says you did?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you had enough time to speak with
7 your attorney about your case and how you wish to plead?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Has your attorney explained to you the
10 consequences of pleading guilty?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Are you satisfied with your attorney's
13 representation of you?

14 THE DEFENDANT: Yes, yes, your Honor.

15 THE COURT: Good. Does either counsel have any
16 objections or concerns regarding the defendant's competence to
17 plead at this time?

18 Government?

19 MR. ADELSBERG: No, your Honor.

20 THE COURT: Defendant?

21 MS. CHUNG: No, your Honor.

22 THE COURT: All right. Now I am going to explain to
23 you some of the rights that you will be waiving or giving up by
24 pleading guilty, so please listen carefully, and if you don't
25 understand, let me know.

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1 Under the Constitution and the laws of the United
2 States, you have a right to plead not guilty to the charges
3 contained in the indictment.

4 Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: If you plead not guilty, you would be
7 entitled under the Constitution to a speedy and public trial by
8 a jury on those charges. At that trial, you would be presumed
9 innocent, and the government would be required to prove that
10 you were guilty beyond a reasonable doubt before you could be
11 found guilty. You could not be convicted unless a jury of 12
12 people agreed unanimously that you were guilty beyond a
13 reasonable doubt.

14 Do you understand?

15 THE DEFENDANT: I understand.

16 THE COURT: If you decided to go to trial, at that
17 trial and every stage of your case, you would have the right to
18 be represented by an attorney. If you could not afford one, an
19 attorney would be appointed to represent you at the
20 government's expense. Even if you retained private defense
21 counsel, if you ran out of money, an attorney would be
22 appointed to continue to represent you, so you would be
23 entitled to an attorney all the way through trial, not just for
24 a guilty plea. Your decision to plead guilty should therefore
25 not depend on whether you can afford to hire an attorney.

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1 Do you understand?

2 THE DEFENDANT: I understand, yes.

3 THE COURT: During a trial, the witnesses for the
4 prosecution would have to come to court and testify in your
5 presence where you could see and hear them. Your lawyer could
6 cross-examine those witnesses. If you wanted, your lawyer
7 could offer evidence on your behalf. You would be able to use
8 the court's power to compel witnesses to come to court to
9 testify in your defense even if they did not want to.

10 Do you understand?

11 THE DEFENDANT: I understand.

12 THE COURT: At a trial you would have the right to
13 testify in your own defense if you wanted to, but you'd also
14 have the right not to testify. And if you chose not to
15 testify, that could not be used against you in any way. No
16 inference or suggestion of guilt would be permitted from the
17 fact that you did not testify.

18 Do you understand?

19 THE DEFENDANT: I understand that, sir.

20 THE COURT: If you were convicted at trial, you would
21 have the right to appeal that verdict to a higher court. Do
22 you understand that?

23 THE DEFENDANT: I understand.

24 THE COURT: As I said before, you have the right to
25 plead not guilty, even now you have the right to continue to

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1 plead not guilty and go to trial. But if you do plead guilty,
2 and I accept your plea, you'll be giving up the rights that
3 I've described. If you plead guilty, there will be no more
4 trial. All that will remain to be done will be to impose a
5 sentence. You and the government will have a chance to make
6 arguments about what sentence you should get, but there will
7 not be any further trial to determine whether you are guilty or
8 not guilty of the charges to which you pled guilty.

9 Do you understand?

10 THE DEFENDANT: I understand.

11 THE COURT: Finally, if you do plead guilty, you are
12 also giving up the right not to incriminate yourself, and I
13 will ask you questions about what you did in order to satisfy
14 myself that you are actually guilty. By pleading guilty you
15 will be admitting your factual as well as legal guilt.

16 Do you understand that?

17 THE DEFENDANT: I understand.

18 THE COURT: So, I am now going to review with you the
19 charges against you and the consequences of pleading guilty to
20 them.

21 So Count One charges you with conspiracy to violate
22 and evade the Foreign Narcotics Kingpin Designation Act and the
23 Kingpin Act regulations as an officer of an entity that
24 participated in the violations in connection with a scheme to
25 help Tareck Zaidan El --

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1 THE INTERPRETER: Your Honor, the interpreter needs
2 something in the last sentence?

3 THE COURT: Scheme to help -- and now I'm reciting a
4 name, an individual named Tareck Zaidan El Aissami Maddah, and
5 an individual named Samark Jose Lopez Bello, violate and evade
6 sanctions imposed by the U.S. Department of the Treasury's
7 Office of Foreign Assets Control, in violation of Title 21,
8 U.S. Code, Sections 1904(c)(1) and (2), and 1906(a)(1) and (2),
9 Title 18, U.S. Code, Section 3228, and Title 31, Code of
10 Federal Regulations, Sections 598.203(a), 598.204, and 598.406.

11 Your plea agreement, which we will get to shortly,
12 will have various provisions that I will go over with you in
13 terms of various penalties, but first I'm going to ask the
14 government to recite the elements of the charges to which the
15 defendant will be pleading guilty.

16 MR. ADELSBERG: Thank you, your Honor. First, that
17 defendant -- two or more persons agreed to join a conspiracy to
18 commit a crime. Second, that the defendant willfully became a
19 member of that charged conspiracy. Here, the defendant
20 conspired to violate and evade the Foreign Narcotics Kingpin
21 Designation Act and the Kingpin Act regulations as an officer
22 of an entity that participated in the violations in connection
23 with the scheme to help two designated individuals -- Tareck
24 Zaidan El Aissami Maddah and Samark Jose Lopez Bello -- to help
25 these individuals violate and evade sanctions imposed by the

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1 U.S. Department of Treasury's Office of Foreign Assets Control,
2 in violation of Title 21, United States Code, Sections
3 1904(c)(1) and (2), and 1906(a)(1) and (2), Title 18, United
4 States Code, Sections 3238, and Title 31, Code of Federal
5 Regulations, Sections 598.203(a), 598.204, and 598.406.

6 The government must also establish by a preponderance
7 of the evidence that at least some portion of the criminal
8 conduct occurred within the Southern District of New York.

9 THE COURT: Mr. Mones Coro, how do you intend to plead
10 to Count One of the indictment?

11 THE DEFENDANT: I plead guilty.

12 THE COURT: So, with respect to the offense to which
13 you are pleading, I want you to understand the maximum possible
14 penalty that the Court may impose. The maximum means the most
15 that could possibly be imposed. It does not mean that it is
16 necessarily what you would receive. But by pleading guilty,
17 you are exposing yourself to the possibility of receiving any
18 combination of punishments up to the maximum I'm about to
19 describe. Do you understand that?

20 THE DEFENDANT: I understand.

21 THE COURT: So, the maximum term of imprisonment for
22 pleading guilty to Count One of the indictment is 30 years'
23 imprisonment. In addition, the maximum term of supervised
24 release is five years.

25 Supervised release means that after you are released

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1 from prison, you may be subject to supervision by the probation
2 department. If you are placed on supervised release and
3 thereafter violate any condition of the supervised release, the
4 district judge can revoke the term of supervised release
5 previously imposed, and return you to prison without giving you
6 any credit for time previously served on post-release
7 supervision.

8 In addition to these restrictions on your liberty,
9 there are financial penalties. The maximum allowable fine is
10 \$5 million, and in addition there is a special assessment of
11 \$100.

12 Let me ask the government, is there any restitution or
13 forfeiture associated with this offense?

14 MR. ADELSBERG: No, your Honor.

15 THE COURT: Additionally, if you are not a citizen of
16 the United States, then your guilty plea may also have adverse
17 consequences for your ability to remain in or return to the
18 United States, including removal, deportation, denial of
19 citizenship, and denial of admission to the United States in
20 the future. If that does happen, you'll still be bound by your
21 guilty plea, that is, you will not be able to withdraw it,
22 regardless of any advice you've received from your counsel or
23 others regarding the immigration consequences of your plea. Do
24 you understand that?

25 THE DEFENDANT: I understand.

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1 THE COURT: Do you understand the charges against you
2 and the consequences of pleading guilty?

3 THE DEFENDANT: I understand.

4 THE COURT: So, now we are going to turn to the plea
5 agreement itself. And let me ask you, did you sign this plea
6 agreement?

7 THE DEFENDANT: Yes.

8 THE COURT: Did you read the agreement before you
9 signed it or has it been translated for you?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Did you discuss it with your attorney
12 before you signed it?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Did your attorney explain to you all of
15 its terms and conditions?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Do you in fact understand those terms and
18 conditions?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: The letter says that you and the
21 government have reached agreement regarding the appropriate
22 calculation of your sentence under a part of our law known as
23 the sentencing guidelines, and that the appropriate guidelines
24 sentencing range is 70 to 87 months' imprisonment.

25 Do you understand that?

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1 THE DEFENDANT: I understand.

2 THE COURT: Under this agreement, neither you nor the
3 government is allowed to argue to the sentencing judge for a
4 calculation that is different than the one in this agreement.
5 However, the sentencing judge is not bound by the calculation
6 in the letter, and he or she will be free to do their own
7 calculation, which may result in a sentencing range that
8 differs from the one in this letter.

9 Do you understand that?

10 THE DEFENDANT: I understand.

11 THE COURT: Do you understand that the sentencing
12 range is just one of many factors the judge will consider in
13 determining your sentence, and that the judge has discretion to
14 give you a prison sentence below or above the range, anywhere
15 up to the maximum I told you about earlier?

16 THE DEFENDANT: I understand.

17 THE COURT: Do you understand that as long as this
18 sentencing judge sentences you to a prison term of no longer
19 than 87 months, you are giving up your right to challenge this
20 sentence, whether by direct appeal, writ of habeas corpus or
21 otherwise?

22 THE DEFENDANT: I understand.

23 THE COURT: The sentencing guidelines range agreed
24 upon with respect to a financial fine is \$25,000 to \$5 million.
25 So you understand by pleading guilty, you also will not be able

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1 to appeal any fine of up to \$5 million?

2 THE DEFENDANT: I understand.

3 THE COURT: Do you understand that by pleading guilty,
4 you also will not be able to appeal any lawful sentence of
5 supervised release, in this case of up to five years?

6 THE DEFENDANT: I understand.

7 THE COURT: Do you understand that under the terms of
8 this plea agreement, even if you later learned that the
9 government withheld from your counsel certain information that
10 would have been helpful to you in defending yourself at trial,
11 you will not be able to complain about that or withdraw your
12 guilty plea on that basis?

13 THE DEFENDANT: I understand.

14 THE COURT: All right. Is there any other provision
15 of the agreement that counsel would like me to review with the
16 defendant?

17 Government?

18 MR. ADELSBERG: No, your Honor.

19 THE COURT: Defense?

20 MS. CHUNG: No, your Honor.

21 THE COURT: Apart from what is contained in the plea
22 agreement, have any promises been made to you in order to get
23 you to plead guilty?

24 THE DEFENDANT: No, none.

25 THE COURT: Has anyone threatened, forced or coerced

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1 you in any way, either directly or indirectly, to get you to
2 plead guilty?

3 THE DEFENDANT: No.

4 THE COURT: So now that you've been advised of the
5 charges against you, the possible penalties you face, and the
6 rights you are giving up, is it still your intention to plead
7 guilty to Count One of the indictment?

8 THE DEFENDANT: Guilty.

9 THE COURT: Is your plea voluntary and made of your
10 own free will?

11 THE DEFENDANT: Completely.

12 THE COURT: Mr. Mones Coro, with respect to Count One
13 of the indictment, how do you plead, guilty or not guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: Now can you please tell me in your own
16 words what you did that makes you guilty of the crimes charged
17 in Count One of the indictment.

18 THE DEFENDANT: Is it okay if I read it?

19 THE COURT: Yes. Absolutely.

20 THE DEFENDANT: From February of 2017 to March 2019,
21 while an officer of ACS, a Florida-based company, I agreed with
22 other people that I and ACS would continue to arrange private
23 air charter passenger services for my co-defendants Samark
24 Lopez Bello and Tareck Zaidan El Assaimi, even after OFAC
25 placed my co-defendants on its sanctions list.

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I understood when I made this agreement and continued to arrange private air charter passenger services for my co-defendants that it was against the law to do so, without license from OFAC. I did not have such a license.

THE COURT: Thank you. I may have not heard it and you may have said it. But what part of your conduct was associated with New York or the Southern District of New York?

MS. CHUNG: Your Honor, if I may. I've discussed this matter with my client, and we are waiving venue.

THE COURT: Okay. Is that acceptable to the government?

MR. ADELSBERG: It is. The government would like to, if the Court so allows, to proffer a basis for venue.

THE COURT: Before you do, let me just ask, are there any other additional questions you'd like me to ask the defendant?

MR. ADELSBERG: No, your Honor. I think his allocution was sufficient to meet the elements of the statute.

THE COURT: Do you believe there is a sufficient factual predicate for a guilty plea?

MR. ADELSBERG: Yes, your Honor.

THE COURT: Does the government represent that it has sufficient evidence to establish guilt beyond a reasonable doubt?

MR. ADELSBERG: Yes, your Honor.

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1 THE COURT: At this time would you like to make your
2 proffer.

3 MR. ADELSBERG: Yes, your Honor. Were this case to
4 proceed to trial, the government would show beyond a reasonable
5 doubt that from in or about 2017, until in or about March 2019,
6 in the Southern District of New York, Venezuela, Turkey,
7 Russia, and the Dominican Republic, among other places, the
8 defendant agreed with others to conspire to violate and evade
9 the Foreign Narcotics Kingpin Designation Act and Kingpin Act
10 regulations.

11 At trial the government would produce the following
12 types of evidence: Records showing on February 13, 2017, OFAC
13 designated El Aissami and Lopez Bello as specially designated
14 narcotics traffickers, recordings of consensually recorded
15 calls between the defendant and a confidential source or CS
16 would show the defendant conspired to provide travel services
17 to El Aissami and Lopez Bello, documents and business records
18 showing the nature of the conspiracy to violate and evade the
19 Foreign Narcotics Kingpin Designation Act and the Kingpin Act
20 regulations, law enforcement testimony regarding surveillance
21 and search warrant executions relating to the defendant and his
22 co-defendants.

23 And all this would establish that Mones, the
24 defendant, is a Venezuelan born naturalized U.S. citizen who
25 operated the Florida charter services company named American

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1 Charter Services LLC, and that Mones used American Charter to
2 provide travel services, including private jet charters, to El
3 Aissami and Lopez Bello as well as their relatives and
4 associates. El Aissami and Lopez paid for these services at
5 times through intermediaries who delivered bulk cash in
6 Venezuela.

7 As to venue, on January 11, 2018, the CS, the
8 confidential source mentioned earlier, traveled to Manhattan to
9 participate in recorded calls with Mones, the defendant, during
10 which the CS informed Mones of his whereabouts. During the
11 call, the defendant and the confidential source raised the
12 issue of debt for prior charters owed by Lopez Bello, and they
13 discussed other aspects of the transportation services provided
14 by the defendant to Lopez Bello.

15 In addition, on February 14, the defendant used an
16 American Charter account to transfer \$30,000 to the
17 confidential source's account to pay expenses for flights by El
18 Aissami and Lopez Bello. And on September 6, 2018, Mones used
19 an American Charter account again to transfer \$30,000 to this
20 confidential source to be used for expenses involving flights
21 for Lopez Bello and his associates.

22 THE COURT: Thank you. Let me ask defense counsel,
23 are there any additional questions you would like me to ask the
24 defendant?

25 MS. CHUNG: No, thank you, your Honor.

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1 THE COURT: Do you believe there is a sufficient
2 factual predicate for a guilty plea?

3 MS. CHUNG: I do, your Honor.

4 THE COURT: Do you know of any defense that would
5 prevail at trial or other reason why your client should not be
6 permitted to plead guilty?

7 MS. CHUNG: No, your Honor.

8 THE COURT: Mr. Mones Coro, on the basis of your
9 responses to my questions and my observations of your demeanor,
10 I find that you are competent to enter an informed guilty plea,
11 and that there is a factual basis for it. I am satisfied that
12 you understand your rights, that you are aware of the
13 consequences of your plea, including the sentence that may be
14 imposed, that you are voluntarily pleading guilty, and that you
15 have admitted your guilty as charged in Count One of the
16 indictment. For these reasons, I am recommending to the
17 district judge that your plea be accepted.

18 All right. I assume the government will order a copy
19 of the transcript and submit it together with any additional
20 paperwork.

21 MR. ADELSBERG: Yes, your Honor.

22 THE COURT: And has the district judge set a
23 sentencing date? I understand not. So we are going to have a
24 control date, and my deputy tells me February 26, 2020.

25 I direct that the presentence report be prepared. And

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1 counsel, will you deliver the case summary for purposes of the
2 presentence report to the probation department within 14 days?

3 MR. ADELSBERG: Yes, your Honor.

4 THE COURT: Will the defendant be able to make himself
5 and will counsel be able to make herself available within 14
6 days to be interviewed?

7 MS. CHUNG: Yes, your Honor, we will.

8 THE COURT: All right. What are we doing with respect
9 to detention or release?

10 MR. ADELSBERG: I believe that the government makes an
11 application that the defendant remain detained pending
12 sentencing.

13 THE COURT: From the defense?

14 MS. CHUNG: Yes, your Honor. Mr. Mones Coro is
15 detained on consent and that can be continued.

16 THE COURT: All right. Anything else from the
17 government?

18 MR. ADELSBERG: No, your Honor.

19 THE COURT: Anything else from defense?

20 MS. CHUNG: No, your Honor. Thank you.

21 THE COURT: The defendant will continue to be detained
22 until sentencing, and we are adjourned on this matter. Thank
23 you, and good luck to you, Mr. Mones.

24 (Adjourned)